

REMARKS

Claims 1-3, 7-15, 17 and 26 stand rejected in the subject patent application. Claims 3-6, 16 and 18-25 have been canceled. Pending claim 27 was withdrawn from consideration as being directed to a provisionally non-elected species of the present invention. This amendment adds new claim 28. Therefore, claims 1, 2, 7-15, 17, 26 and 28 will be pending following entry of this amendment.

Rejection Under 35 U.S.C. §112

Claims 14, 15, 17 and 26 have been were rejected under the first paragraph of 35 U.S.C. §112 because of a lack of support in the specification for the recitation in claim 14 that the second perimeter of the second work surface has an identical geometric shape as the first work surface (emphasis added).

This rejection has been overcome by amending claim 14 to state that second perimeter of the second work surface has an identical geometric shape as the first perimeter of the first work surface. The standard dictionary definition of a "perimeter" is "the boundary of a closed plane figure", see *Mirriam Webster's Collegiate Dictionary - Tenth Edition*, Mirriam Webster Inc., 1994, p 863 (copy enclosed). Paragraph [0047] of the specification when referring to Figures 12 and 13 states that the concave basin 132 with a first work surface 135 has an elliptical perimeter. Then paragraph [0047] describes the removable platform 136 as having an elliptical second work surface 142, thereby connoting an elliptical perimeter. Figure 13 clearly shows that the first work surface 135 and the second work surface 136 have perimeters with identical shapes, i.e. both perimeter are elliptical. Note that the geometric shape of an object does not denote its size and two different sized objects can have the same shape.

Therefore, this rejection of claims 14, 15, 17 and 26 should be withdrawn.

Rejections Under 35 U.S.C. §§102 & 103

Claims 1, 2, and 7-10 were rejected under 35 U.S.C. §102 as anticipated by De Bie. This rejection has been rendered moot by the amendment of claim 1 which incorporates the subject matter of claim 3 and now specifies that the first and second work surfaces are elliptical. Neither the sink body nor the platform of De Bie has an elliptical work surface. Nor is it apparent how the dishwashing apparatus in this patent could be made elliptical.

Claim 14 has been rejected under 35 U.S.C. §103 as being unpatentable over De Bie in view of Clow. This claim specifies a plumbing fixture body that has a first work surface with a first perimeter, and a platform that includes a second work surface with a second perimeter having an identical geometric shape as the first perimeter. The Office Action contends that it would be obvious to provide the shape of the upstanding portion of De Bie to be identical or similar as taught by elements b' and b'' in Clow.

The obvious combination of the devices in the two patents would be to place the dishwashing apparatus shown in De Bie into the sink of Clow. However, doing so would not teach the claimed first and second work surfaces with identically shaped perimeters

Furthermore, De Bie teaches a dishwashing apparatus that is removably inserted into a sink and includes a rectangular tray 11 surrounded by a wall 17 and on which a separate dish pan 16 can be placed. That dishwashing apparatus also has a rack area 22-27 with a plurality of slots 28 which can hold plates in an upstanding manner for draining. In contrast, Clow teaches a sink that includes an island with an upper surface b'' surrounded

by a trough with an annular bottom surface b'. All the components of the Clow sink are screwed or bolted together to form a single unitized structure during operation. Because of the dissimilarity between the removable dishwashing rack in De Bie and the fixedly assembled sink in De Bie, it is logical and unlikely for a skilled artisan to look to the surfaces of the Clow sink to use as surfaces of the dishwashing rack in De Bie. Components that are bolted together to form a sink do not suggest using one of those components as part of the rack that removably fits into a sink.

In addition, the surfaces of Clow cited by the rejection have oval perimeters whereas the De Bie apparatus has square and rectangular surfaces. It is unclear how the tray 11 or the rack 21-27 of De Bie could be made with elliptical surfaces and still have those sections fit together, much less be formed by a single sheet of bent material as shown in the patent.

Therefore, the Office Action has not made a *prima facie* case of obviousness with respect to claim 14 based on De Bie and Clow.

Claims 10 and 11 were rejected under 35 U.S.C. §103 as being unpatentable over De Bie in view of Hennessy.

Claims 10 and 11 are patentable over De Bie for the same reasons as stated above with respect to independent claim 1 from which these claims depend. As stated above, there is no suggestion as to why or how a person of ordinary skill in the art could modify the De Bie dishwashing apparatus to have elliptical surfaces. Nothing in Hennessy suggests the body and a platform of a washing apparatus having elliptical perimeters. Therefore, the amendment to claim 1 also overcomes the rejection of claims 10 and 11.

Claims 1-3, 7-8, and 14-15 were rejected under 35 U.S.C. §102 based on Clow.

Independent claim 1 requires that during washing use the platform both is movably positioned on the first work surface and is unfastened to the body. That is not true with respect to the sink in Clow which is formed by a plurality of sections that are bolted together to form the unitized structure. The rejection considers plate b” to correspond to the platform. However, that “platform” is bolted to the top of other sections of the sink and is not movable or unfastened to the body during washing use. In fact, removing the platform would be contrary to the teaching in this reference as doing so exposes a seam between island walls b seen in Fig. 3, through which water would flow onto the floor if left uncovered. Therefore, nothing suggests a desirability unbolt and remove the plate b” during washing use.

In addition, neither the first perimeter of a first work surface or the second perimeter of the second work surface is elliptical. Instead, both of those surfaces are oval shaped having long straight sides A. Therefore, claims 1-3, 7 and 8 are not anticipated under 35 U.S.C. §102.

Independent claim 14 also states that during washing use the platform is both movably positioned on the first work surface and unfastened to the body. As noted with respect to claim 1, there is no platform in the references that corresponds to this structure. Furthermore, dependent claim 15 specifies that both the first and second work surfaces have elliptical perimeters. As noted previously, the perimeters of the different work surfaces of the Clow sink are oval with straight sides and are not elliptical. Therefore, claims 14 and 15 have not been anticipated.

Claims 12 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Clow in view of Bogusz.

Claims 12 and 13 depend from claim 1 which is noted previously specifies that during washing use the platform is both movably positioned on the first work surface and unfastened to the body. The Clow sink, in which various sections are bolted together, does not provide nor suggest such a platform, as noted in detail above. The Bogusz patent teaches a dishwashing device that is placed over a drain opening to allow a sink to be partially filled with water and still provide a drain passage that prevents the sink from overflowing. The dishwashing aid in Bogusz was cited as corresponding to the bowl in claims 12 and 13. However, this latter patent does not teach a movable unfastened platform as specified in the parent claim 1 which key feature still is not suggested when the teachings of Clow and Bogusz are combined.

Claim 17 was rejected under 35 U.S.C. §103 as being unpatentable over Clow in view of De Bie.

The obvious combination of the teachings in these patents would be to place the dishwashing apparatus shown in De Bie into the sink of Clow. However, doing so would not produce the claimed structure.

Claim 17 specifies that the platform has a plurality of legs that raise the second work surface from the first work surface. As best understood, this rejection is contending that the flat work surface b'' of Clow could be unbolted from the remaining portions of the sink and supported by legs as shown in De Bie. That concept is not remotely suggested by the teachings of the references. Specifically, there is nothing that suggests to one skilled in the

art to separate the platform b" in Clow from the remaining components of the sink as doing so would uncover a seam allowing water to leak onto the floor. Furthermore, integrating walls b with the platform b" in Clow would create a seam the bottom of the wall b abuts the bottom A" also allowing water to leak onto the floor. It is well settled that in order to reject a structure as being obvious, the references must implicitly or expressly suggest the claimed combination. It is respectfully submitted that the rejection has not shown that suggestion.

New claim 28 is patentable for the reasons previously stated with respect to claim 14 from which it depends.

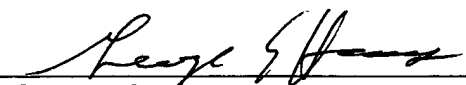
Withdrawn claim 27 should be reinstated as is parent claim 14 is allowable and generically covers the subject matter.

Conclusion

In view of these distinctions between the subject matter of the present claims and teachings of the cited patents, reconsideration and allowance of the present application are requested.

Respectfully submitted,
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per-fi-dy \pə-'fə-dē/ n, pl **-dies** [L. *perfidia*, fr. *perfidus* faithless, fr. *per-* detrimental to + *fides* faith — more at **PER-FATH**] (1592) 1: the quality or state of being faithless or disloyal: TREACHERY 2: an act or an instance of disloyalty

per-fol-i-ate \pə-'fō-lē-ət/ **per-** adj [NL. *perfoliatus*, an herb having leaves pierced by the stem; fr. L. *per* through + *foliatus*, fem. of *foliatus* foliate] (1687): having the basal part naturally united around the stem (a ~ leaf of a honeysuckle)

per-for-rate \pə-'fə-rāt/ **per-** **-rat-ed**; **-rat-ing** [L. *perforatus*, pp. of *perforare* to bore through, fr. *per-* through + *forare* to bore — more at **BORE**] vi (1538) 1: to make a hole through (an ulcer ~s the duodenal wall); esp: to make a line of holes in to facilitate separation 2: to pass through or into by or as if by making a hole ~ vi: to penetrate a surface — **per-for-rate** \pə-'fə-rāt/ **-rat-** **adj** — **per-for-ra-tor** \-fə-rā-tər/ n

per-for-rat-ed \-fə-rā-təd/ **adj** (1597) 1: having a hole or perforations; esp: having a specified number of perforations in 20 millimeters (the stamps are ~ 10) 2: characterized by perforation (a ~ ulcer)

per-for-ra-tion \pə-'fə-rā-shən/ n (15c) 1: the act or process of perforating 2: a: a hole or pattern made by or as if by piercing or boring b: one of the series of holes between rows of postage stamps in a sheet that serve as an aid in separation

per-force \pə-'fɔrs/ **-fɔrs** adv [ME *par force*, fr. MF, by force] (14c)

1: by physical coercion 2: by force of circumstances

per-form \pə-'fɔrm/ **vb** [ME, fr. AF *performer*, alter. of OF *perfour-nir*, fr. *per-* thoroughly (fr. L) + *fournir* to complete — more at **FURNISH**] vi (14c) 1: to adhere to the terms of: FULFILL (~ a contract) 2: CARRY-OUT, DO 3: a: to do in a formal manner or according to prescribed ritual b: to give a rendition of: PRESENT ~ vi 1: to carry out an action or pattern of behavior: ACT, FUNCTION 2: to give a performance: PLAY — **per-form-a-bil-ity** \-fɔrm-'bi-lə-tē/ n — **per-form-able** \-fɔrm-'bəl/ **adj** — **per-form-er** \-fɔrm-ər/ n

syn PERFORM, EXECUTE, DISCHARGE, ACCOMPLISH, ACHIEVE, EFFECT, FULFILL mean to carry out or into effect. PERFORM implies action that follows established patterns or procedures or fulfills agreed-upon requirements and often connotes special skill (performed gymnastics). EXECUTE stresses the carrying out of what exists in plan or in intent (executed the hit-and-run). DISCHARGE implies execution and completion of appointed duties or tasks (discharged his duties). ACCOMPLISH stresses the successful completion of a process rather than the means of carrying it out (accomplished everything they set out to do). ACHIEVE adds to ACCOMPLISH the implication of conquered difficulties (achieve greatness). EFFECT adds to ACHIEVE an emphasis on the inherent force in the agent capable of surmounting obstacles (effected sweeping reforms). FULFILL implies a complete realization of ends or possibilities (fulfilled their ambitions).

per-for-mance \pə-'fɔrm-'māns/ n (15c) 1: a: the execution of an action b: something accomplished: DEED, FEAT 2: the fulfillment of a claim, promise, or request: IMPLEMENTATION 3: a: the action of representing a character in a play b: a public presentation or exhibition (a benefit ~) 4: a: the ability to perform: EFFICIENCY b: the manner in which a mechanism performs (engine ~) 5: the manner of reacting to stimuli: BEHAVIOR 6: the linguistic behavior of an individual: PAROLE; also: the ability to speak a certain language — compare COMPETENCE 3

performance art n (1971): a nontraditional art form that consists of or features a performance by the artist — **performance artist** n

per-for-ma-tive \-fɔrm-'mā-tiv/ **adj** (1955): being or relating to an expression that serves to effect a transaction or that constitutes the performance of the specified act by virtue of its utterance (~ verbs such as *promise* and *congratulate*) — compare CONSTATIVE — **performative** n

per-for-ma-to-ry \-mā-'tɔr-ē-, -tɔr-/ **adj** (1949): PERFORMATIVE; also: of or relating to performance

performing **adj** (1889): of, relating to, or constituting an art (as drama) that involves public performance (the ~ arts)

per-fume \pə-'fju:m/ **per-** **-fūm** n [MF *perfum*, prob. fr. OProv. fr. *perfumar* to perfume, fr. *per-* thoroughly (fr. L) + *fumar* to smoke, fr. L *fumare*, fr. *fumus* smoke — more at **FUME**] (1533) 1: the scent of something sweet-smelling 2: a substance that emits a pleasant odor; esp: a fluid preparation of natural essences (as from plants or animals) or synthetics and a fixative used for scenting **syn** see FRAGRANCE

per-fume \pə-'fju:m/ **per-** **-fūm** **vi** **per-fumed**; **per-fum-ing** (1538): to fill or imbue with an odor

per-fum-er \pə-'fju:m-ər/ **per-** **-fūm** n (ca. 1580): one that makes or sells perfumes

per-fum-ery \pə-'fju:m-ər-ē-, -fju:m-rē/ n, pl **-eries** (1800) 1: a: the art or process of making perfume b: the products made by a perfumer 2: an establishment where perfumes are made

per-func-to-ry \pə-'fʌŋ(k)-t(ə)-rē/ **adj** [LL. *perfunctorius*, fr. L. *perfungi* to accomplish, get through with, fr. *per-* through + *fungi* to perform — more at **PER-FUNCTION**] (1593) 1: characterized by routine or superficiality: MECHANICAL (a ~ smile) 2: lacking in interest or enthusiasm — **per-func-to-ri-ly** \-t(ə)-rē-lē/ **adv** — **per-func-to-ri-ness** \-t(ə)-rē-nəs/ n

per-fus-ate \pə-'fju:z-āt-, -zət/ n (1915): a fluid (as a solution pumped through the heart) that is perfused

per-fuse \pə-'fju:z/ **vi** **per-fused**; **per-fus-ing** [ME, fr. L. *perfundus*, pp. of *perfundere* to pour over, fr. *per-* through + *fundere* to pour — more at **FOUND**] (15c) 1: SUFFUSE 2: a: to cause to flow or spread b: to force a fluid through (an organ or tissue) esp. by way of the blood vessels — **per-fu-sion** \-fju:zhən/ n

per-fu-sion-ist \pə-'fju:z-ən-ist/ n (1964): a certified medical technician responsible for extracorporeal oxygenation of the blood during open-heart surgery and for the operation and maintenance of equipment (as a heart-lung machine) controlling it

per-go-la \pə-'gə-lə-, pə-'gō-lə/ n [It. fr. L. *pergula*] (1675) 1: ARBOR, TRELLIS 2: a structure usu. consisting of parallel colonnades supporting an open roof of girders and cross rafters

per-haps \pə-'hæps/ **adv** [per + hap] (1528): possibly but not certainly: MAYBE

per-haps n (1534): something open to doubt or conjecture

per-i \pə-'rē/ n [Per *per* fairy, genius, fr. MP *parik*; akin to Av *pairikā* sorceress] (ca. 1780) 1: a supernatural being in Persian folklore de-

scended from fallen angels and excluded from paradise until penance is accomplished 2: a beautiful and graceful girl

peri- **prefix** [L. fr. GK. around, in excess, fr. *peri*; akin to Gk *perin* to pass through — more at **FARE**] 1: all around: about (*periscope*) 2: near (*perihelion*) 3: enclosing: surrounding (*perineurium*)

peri-anth \pə-'e-an(t)th/ n [NL. *perianthium*, fr. *peri-* + Gk *anthos* flower — more at **ANTHOLOGY**] (1828): the floral structure comprised of the calyx and corolla esp. when the two whorls are fused — see **FLOWER** illustration

peri-apt \pə-'e-apt/ n [MF of Gk; MF *periapte*, fr. Gk *periapion*, fr. *periaptein* to fasten around (oneself), fr. *peri-* + *haptein* to fasten] (1584): AMULET

peri-car-di-al \pə-'kär-dē-əl/ **adj** (1654): of, relating to, or affecting the pericardium; also: situated around the heart

peri-car-di-tis \-kär-'di-təs/ n [NL] (ca. 1799): inflammation of the pericardium

peri-car-di-um \-kär-dē-əm/ n, pl **-dia** \-dē-ə/ [ME, fr. ML, fr. Gk *perikardion*, neut. of *perikardios* around, the heart, fr. *peri-* + *kardia* heart — more at **HEART**] (15c) 1: the conical sac of serous membrane that encloses the heart and the roots of the great blood vessels of vertebrates 2: a cavity or space that contains the heart of an invertebrate and in arthropods is a part of the hemocoel

peri-carp \pə-'kärp/ n [NL. *pericarpium*, fr. Gk *perikarion* pod, fr. *peri-* + *-karpion* -carp] (1759): the ripened and variously modified walls of a plant ovary — see **ENDOCARP** illustration

peri-chon-dri-um \pə-'kän-drē-əm/ n, pl **-dria** \-drē-ə/ [NL, fr. *peri-* + Gk *chondros* grain, cartilage] (1741): the membrane of fibrous connective tissue that invests cartilage except at joints — **peri-chon-dral** \-drəl/ **adj**

peri-cio-pe \pə-'ri-kə-pē/ n [LL, fr. Gk *perikopē* section, fr. *peri-* + *kopē* act of cutting, fr. *kopein* to cut — more at **CAPON**] (1658): a selection from a book; specif: LECTURE

peri-cra-ni-um \pə-'krä-nē-əm/ n, pl **-nia** \-nē-ə/ [ME *pericranium*, fr. ML, fr. Gk *perikranion*, neut. of *perikranios* around: the skull, fr. *peri-* + *kranion* skull — more at **CRANIUM**] (15c): the external:periosteum of the skull — **peri-cra-ni-al** \-nē-əl/ **adj**

peri-cy-cle \pə-'sī-kəl/ n [F. *pericycle*, fr. Gk *perikykos* spherical, fr. *peri-* + *kyklos* circle — more at **WHEEL**] (ca. 1892): a thin layer of parenchymatous or sclerenchymatous cells that surrounds the stiele in most vascular plants — **peri-cy-clic** \pə-'sī-klik/, -sī-/ **adj**

peri-derm \pə-'därm/ n [NL. *peridermis*, fr. *peri-* + *-dermis*] (1849): an outer layer of tissue; esp: a cortical protective layer of many roots and stems that typically consists of phellem, phellogen, and phello-derm

per-rid-i-um \pə-'ri-dē-əm/ n, pl **per-rid-ia** \-dē-ə/ [NL, fr. Gk *peridion*, dim. of *pēra* leather bag] (ca. 1823): the outer envelope of the sporophore of many fungi

peri-dot \pə-'dāt/ **adj**; **-dōt** (t) n [F. *peridot*, fr. OF *peridot*] (ca. 1706): a deep yellowish green transparent olive used as a gem — **peri-dō-tic** \pə-'dä-tik/, -dō-/ **adj**

peri-do-tite \pə-'ri-də-tīt/ n [F. *peridotite*, fr. *peridot*] (1878): any of a group of granitoid igneous rocks composed of ferromagnesian minerals and esp. olivine — **peri-dō-tit-ic** \pə-'ri-də-'ti-tik/ **adj**

peri-gee \pə-'(j)ē/ n [MF, fr. NL. *perigeum*, fr. Gk *perigeion*, fr. neut. of *perigeos* near the earth, fr. *peri-* + *gē* earth] (1594): the point in the orbit of an object (as a satellite) orbiting the earth that is nearest to the center of the earth; also: the point nearest a planet or a satellite (as the moon) reached by an object orbiting it — compare **APOGEE** — **peri-ge-an** \pə-'e-'jē-ən/ **adj**

peri-gyn-ous \pə-'ri-jə-nəs/ **adj** [NL. *perigynus*, fr. *peri-* + *-gynus* -gynous] (1807): borne on a ring or cup of the receptacle surrounding a pistil (~ petals); also: having perigynous stamens and petals (~ flowers) — **peri-gyn-ny** \-nē-/ n

peri-he-li-on \pə-'hēl-yən/ n, pl **-he-lia** \-hēl-yə/ [NL, fr. *peri-* + Gk *hēlios* sun — more at **SOLAR**] (1666): the point in the path of a celestial body (as a planet) that is nearest to the sun — compare **APHELION** — **peri-he-lial** \-hēl-yəl/ **adj**

peri-kar-y-on \-kär-'e-än-, -ən/ n, pl **-kar-ya** \-ē-ə/ [NL, fr. *peri-* + Gk *karyon* nut, kernel — more at **CAREEN**] (1897): CELL BODY — **peri-kar-y-al** \-ē-əl/ **adj**

per-il \pə-'rəl/ n [ME, fr. OF, fr. L. *periculum* — more at **FEAR**] (13c) 1: exposure to the risk of being injured, destroyed, or lost: DANGER (fire put the city in ~) 2: something that imperils: RISK (lessen the ~s of the streets)

peril **vi** **-il-led** also **-il-ling**; **-il-ing** also **-il-ling** (1567): to expose to danger

per-ill-la \pə-'ri-lə/ n [NL] (1900): any of a genus (*Perilla*) of Asian mints that have a bilabiate fruiting calyx and rugose nutlets

perilla oil n (1917): a light yellow drying oil that is obtained from seeds of *perillas*

per-il-ous \pə-'ə-ləs/ **adj** (14c): full of or involving peril: HAZARDOUS **syn** see DANGEROUS — **per-il-ous-ly** **adv** — **per-il-ous-ness** n

peri-lune \pə-'jūn/ n [*peri-* + L. *luna* moon — more at **LUNAR**] (1960): the point in the path of a body orbiting the moon that is nearest to the center of the moon — compare **APOLUNE**

peri-lymph \-lim(p)l/ n [ISV] (ca. 1839): the fluid between the membranous and bony labyrinths of the ear

per-im-e-ter \pə-'ri-mə-tər/ n [ME *perimetre*, fr. L. *perimetros*, fr. Gk, fr. *peri-* + *metron* measure — more at **MEASURE**] (15c) 1: a: the boundary of a closed plane figure b: the length of a perimeter 2: a line or strip bounding or protecting an area 3: outer limits — often used in pl.

peri-my-si-um \pə-'mi-zhē-əm, -zē-/ n, pl **-sia** \-zhē-ə-, -zē-/ [NL, irreg. fr. *peri-* + Gk *mys* mouse, muscle — more at **MOUSE**] (ca. 1842): the connective-tissue sheath that surrounds a muscle and forms sheaths for the bundles of muscle fibers

\ə/ abut \ə/ kitten, F table \ər/ further \ə/ ash \ə/ ace \ə/ mop, mar \ə/ out \ə/ chin \ə/ bet \ə/ easy \ə/ go \ə/ hit \ə/ ice \ə/ job \ə/ sing \ə/ go \ə/ law \ə/ boy \ə/ thin \ə/ the \ə/ lot \ə/ foot \ə/ yet \ə/ vision \ə, k, p, æ, œ, ue, ū, see Guide to Pronunciation